IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

TURNER BROADCASTING SYSTEM, INC., et al.,

Plaintiffs.

v.

FEDERAL COMMUNICATIONS COMMISSION, et al.,

Defendants.

Civil Action No. 92-2247 (and Consolidated Cases Civil Action Nos. 92-2292, 92-2494, 92-2495, 92-2558) (SFW, TPJ, SS)

DECLARATION OF DR. CHARLES ANDERSON

- 1. My name is Charles Anderson. I am the Assistant Vice President for Finance and Administration at Western Kentucky University. I am responsible for information technology at the university and take an active role in the management of WKYU, a public television station located in Bowling Green, Kentucky. I have held this position since 1991. Prior to that time, I held the position of Associate Dean and Director of Public Television at Western Kentucky University from 1989-1991. In both positions, I have been the person responsible for the must carry matters for WKYU.
- 2. WKYU, Channel 24, is a noncommercial educational broadcast television station licensed to Western Kentucky University. WKYU first began its local public television service to south central Kentucky in January 1989.

- Exhibit 1. A few cable systems agreed to add WKYU, but most denied carriage or simply failed to respond. Prior to passage of the "must carry" statute in 1992, WKYU was carried on only four cable systems within its service area—TKR of Bowling Green-Warren County, Electric Plant Board in Glasgow, TeleScripps system in Glasgow, and the Tele-media system in Franklin.
- 7. Pursuant to the new must carry statute, in June 1993, I requested carriage on a number of cable systems within a 50-mile radius of WKYU. We engaged in intensive communications with the cable systems. Obtaining carriage was a lengthy and time consuming process. While some systems granted carriage reasonably promptly, others failed to respond or otherwise resisted, generally without citing any valid reason. Some systems argued that WKYU was not "local" or that it did not transmit a good quality signal. These stations eventually abandoned those claims and now carry the station. However, in some cases we had to take our signal measurements or joint measurements to prove to these systems that WKYU's signal was technically sufficient. This caused delays in obtaining carriage ranging from three to nine months. Correspondence reflecting several of these delays is attached as Exhibit 2.
- 8. WKYU is now carried on 21 cable systems. WKYU was added to 17 cable systems after June of 1993, representing a potential audience of over 25,000 subscribers. The systems that added WKYU include Cablevision of Tompkinsville in December 1993; Cablevision of Edmonton/Summer Shade in March 1994; Cablevision of Munfordville in December 1993; Tele-media of Scottsville in January 1994; Tele-media of Morgantown in August 1993; Tele-media in Brownsville (including Park City) in late 1993; Tele-media in Adairville in November 1993; Tele-media in Russellville in December 1993; Tele-media in Auburn in August 1993; Tele-media in Horse Cave/Cave City in

- 3. WKYU provides a service that includes college-credit telecourses broadcast in weekday prime time, selected PBS programming, local productions, and programs obtained through various sources, including the regional public television networks. WKYU's local television programming has garnered a number of regional and national awards.
- 4. WKYU does not significantly duplicate programming offered by other public television stations in the area. In particular, WKYU offers college telecourses during weekday prime time, so that working adults are able to watch. No other public television station in the area provides a similar service.
- 5. WKYU is a qualified noncommercial educational television station as defined in subsection (l)(1) of Section 5 of the 1992 Cable Act. WKYU is a local station as defined in subsection (l)(2) of Section 5 of the Act with regard to numerous cable systems in the south central Kentucky and northern Tennessee area, including Cablevision of Tompkinsville, Edmonton/Summer Shade and Munfordville; Tele-media of Scottsville, Morgantown, Brownsville, Park City, Adairville, Russellville, Auburn; TeleScripps of Horse Cave/Cave City, Glasgow, Greenville/Powderly/Drakesboro, and Lietchfield/Clarkson; Ohio County Cablevision in Ohio County of Hartford, Beaver Dam, Centertown, Echlos, McHenry and Cromwell; Tennessee Valley Cablevision of Portland, Lafayette, and Westmoreland, Tennessee; TKR of Bowling Green; Electric Plant Board System of Glasgow; and Tele-media of Franklin, Livermore and Whitehouse, Tennessee.
- 6. In 1989, soon after WKYU started operations, I began efforts to obtain carriage on a number of cable systems in the station's service area in counties contiguous to the county of Warren, which contains WKYU's city of license. Correspondence relating to several of these requests is attached as

July 1993; TeleScripps in Greenville (including Powderly and Drakesboro) in August 1994; TeleScripps in Lietchfield/Clarkson in July 1993; Ohio County Cablevision of Ohio County in Hartford/Beaver Dam/Centertown/Echlos/McHenry and Cromwell in October 1993; Tennessee Valley Cablevision of Portland, Tennessee in January 1994; Tennessee Valley Cablevision of Lafayette, Tennessee in December 1993; Tennessee Valley Cablevision of Westmoreland in December 1993. One additional system, Tele-media of Whitehouse, Tennessee, has committed to carry WKYU, but is not yet doing so.

9. Cable systems' noncarriage of WKYU's signal prior to 1993 harmed the station in various ways, including loss of viewers, loss of members and member contributions, and an inability to acquire some programming. The greatest loss resulting from noncarriage was the loss of access by cable viewers to the station's programming, particularly its unique instructional programming. For many students in the south central Kentucky and northern Tennessee area, especially women, minorities and working adults, television instruction offers an opportunity for diversified course experiences they might otherwise be unable to enjoy. This instructional programming is a cost-effective means of providing college credits and provides opportunities for students who otherwise would be unable to attend traditional in-class courses.

10.

[REDACTED]

Further, there has been an increase in station membership since 1993, which I also attribute in substantial

part to the increased cable carriage. In fiscal year 1992, WKYU had 144 members and \$5,286 in membership contributions. To date in fiscal year 1995, WKYU has 580 members and membership contributions of \$14,372. This threefold increase is due largely to the increased visibility of the station now that it is carried on 21 cable systems. The ability to increase audience through access to a large number of new cable subscribers has been instrumental in allowing WKYU to reach more potential contributors. Further, the expanded carriage has enabled us to purchase and carry additional PBS children's programming and undertake production of more local and university oriented programming.

- 11. In addition, the increased revenues since 1992 have provided additional money for local production, and thereby allowed us to further diversify the programming offered. More people have gained access to the telecourses offered by WKYU. More attractive programming in turn has allowed us to increase underwriting revenues in recent years. While other changes may have contributed to this growth, I believe that must carry laws were a major factor.
- 12. If the must carry laws were repealed, I believe there would be severe damage to WKYU, including immediate loss of members and loss of underwriting support. This loss of revenues would in turn negatively impact our ability to provide local and children's programming and to serve a broad population of students. The difficulties we had in persuading cable systems to carry us, both before and after enactment of the must carry statutes, lead me to conclude that if the must carry laws were repealed a majority of the systems that

have picked up WKYU since October 1992 would drop the station. Further, many of the cable systems serve small, rural areas and have limited channel capacity, which is a further incentive to drop our station.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 11/14/8 1995.

Thanks M. Tulinson

General Manager, WKYU

September 4, 1990

Mr. David K. Fyffe Multi Vision Cable P.O. Box 738 Benton, Ky 42025

Dear Mr. Fyffe:

I am writing to request the carriage of Western Kentucky University's WKYU-TV--Channel 24--on the Munfordville cable system. WKYU-TV is a public television station serving South Central Kentucky with locally produced programs, college telecourses broadcast during prime time where they are more convenient for adults, and a variety of nationally distributed programs not available on other public television services. Other Programs which will, I believe, be of interest to your subscribers are the delayed broadcast of twenty men's and women's home basketball games (most at 9:30 p.m. the night they are played); popular PBS programs such as "This Old House," "Motor Week," "Mystery," "Masterpiece Theatre," and documentaries providing a second opportunity for viewers who miss other broadcasts; and nostalgia series including "The Avengers," "Classic Cinemas," and pre 1940 Roy Rogers and John Wayne movies.

We have received a number of viewer inquiries from Hart County. I am enclosing a September program guide for your information. Thank you for your consideration.

Sincerely,

Charles M. Anderson

vt

Enclosure

September 4, 1990

Mr. Elwyn Owen General Manager TeleScripps Cable Company P.O. Box 417 Glasgow, KY 42141

Dear Elwyn:

I am writing to request carriage of WKYU-TV on your Cave City and Horse Cave cable systems. We have received a number of inquiries from Hart and Barren Counties which indicate a good audience response in that area. We are expanding our replay carriage of home basketball games to twenty this season with a start time of 9:30 P.M. We appreciate very much your carriage of WKYU-TV on the Glasgow system and hope you can extend carriage to the other systems.

Sincerely,

Charles M. Anderson

vt



Russellville - Logan County Chamber of Commerce

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STAFF

JAMES W. HOLTON, JR. Economic/ Executive Director

JOYCE PARRISH
Program Coordinator

KATHY SCHLEGEL

January 11, 1991

Charles M. Anderson Associate Dean for Telecommunications Western Kentucky University Bowling Green, KY 42101

Dear Chuck:

I talked with Dave Richardson of Telemedia regarding WKYU-TV in the Logan County system. You will be very excited to hear that he hopes to have the service on line by March 1, 1991. I told him that what I would like to do is, when that happens, have a news conference here at the Logan County Chamber of Commerce offices with folks from the University, the President, yourself, and others, along with Telemedia, to talk about the educational opportunities all the way from courses, cultural offerings, interviews, and other aspects of public services through this program being offered on our local cable service. When I have a more firm date on when this might happen, I will be sure and let you know.

I appreciate the opportunity to work with you and let you be aware of the fact that we are always available to serve you in any way that we can.

Sincerely,

wames W. Holton, Jr.

ks

116 South Main Street • Russellville, Kentucky 42276 • (502) 726-2206 • FAX (502) 726-2237



Logan County Chamber of Commerce

EXECUTIVE COMMITTEE

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RALPH WRIGHT Southern States Co-op

STAFF

JAMES W. HOLTON, JR Chief Executive Officer

JOYCE PARRISH
Program Coordinator

KATHY SCHIEGEL Executive Assistant May 3, 1991

Jay Smith
Tele-Media Company of Logan County
68 W Plaza Shopping Center
Russellville, KY 42276

Dear Jay:

I have had a hard time reaching you during the course of the last few days, so I thought I would just drop you a brief note to tell you what I was calling about.

Several months ago, I made contact with your area manager in Franklin, Dave Richardson. He was very helpful and provided cable service to our facility here at the Chamber at no cost, as a service to our organization. We certainly appreciate Tele-Media's contribution in that respect.

Another issue that we had talked about was the WKYU-TV station getting their programming on the air on our local cable system. I just wanted to check back to see what the time frame is on the project, to date.

Another idea I wanted to discuss with you was the possibility of starting a brief public service announcement show regarding the Chamber of Commerce access channel. I would love to have the opportunity to sit down and talk with you to discuss both of these issues.

If you would, please call me or my assistant, Kathy Schlegel, at 726-2206 so we might be able to make an appointment to get together in the next few weeks. Thanks again for your time and Tele-Media's support of our organization.

Sincerely,

James W. Holton, Jr.

ks



Office of the Vice President for Finance and Administration

Bowling Green, KY 42101 502-745-2434 502-745-2375 502-745-2243 FAX: 502-745-4602

Ms. Cathy Dorion
Telemedia Corporation
1156 Alum Creek
P.O. Box 09768
Columbus, Ohio 43209

RE: Auburn, KY Cable System

Dear Cathy:

I am writing to confirm our telephone conversation of in which you indicated that WKYU-TV (24), Bowling Green, KY provides an adequate signal to your Auburn, KY headend based on your own engineering survey, and that qualifies it qualifies as a local must carry signal. Consequently, WKYU-TV was entitled to carriage on the Auburn system as of December 4, 1992. Therefore, we anticipate receiving confirmation of WKYU-TV's carriage and channel position in the near future. We have been seeking carriage on this system since 1988. In fact, I met with Mr. Richardson November 15, 1989 regarding carriage on all of the Telemedia systems within the WKYU-TV grade B contour.

Please contact me at your earliest convenience to arrange a meeting at your headend. Thank you for your cooperation.

Sincerely.

Charles M. Anderson

Assistant Vice President for Finance and Administration

cc: Mr. Brian M. Madden, Leventhal, Senter & Lerman



HMy 62 Eas PO Box 20 Beaver Dam KY 42320 (502) 274-9246

July 16, 1993

Charles Anderson WKYU 1526 Russellville Rd. Bowling Green, KY 42101-3576

Dear Mr. Anderson:

In accordance with Section 76.58(b) of the rules of the Federal Communications Commission, Ohio County Cablevision, owner of the cable television system serving Hartford/Beaver Dam, is hereby providing notice that its designated principal headend location is as follows:

Street Address: Duvall Road

Beaver Dam, KY 42320

Geographic Coordinates: Latitude 37 25' 13"
Longitude 86 52' 26"

This letter also constitutes notice that the signal of Station WKYU, channel 24, fails to meet the FCC standards for delivery of a "good quality signal" to our principal headend. The relevant threshold signal level for you Station is -45dBm.

On July 12, we measured the signal of Station WKYU at our principal headend. The measured signal level at the input terminals of our signal processing equipment was 27 dBm below the FCC's threhold of -45 dBm.

In measuring the Station's signal strength, we used the following test equipment and procedures:

At the principle receive site or headend, use an all band antenna and signal measurement device, such as a Line Sam, to measure and record the signal strength of the broadcast stations in the area. Place the VHF/UHF receive antenna 10 ft. above the headend rooftop using a mast pole or equivalent. Attach a 40 ft., 75 ohm coaxial cable from the antenna to the RF input on the signal level meter. Slowly rotate the antenna until it is pointed in the desired direction of the channel under test. Turn the SLM power switch on and choose the correct channel plan to use. In most cases it will be the NCTA Standard plan. Tune the meter to the desired channel by entering the digits of the channel and then pressing CHN on the keypad. for UHF tuning, enter

the digits for the desired channel, then press FCN, then T/UHF. Incremental changes are made be depressing the up/down arrows on the keypad. Slowly rotate the mast back and forth to find the peak strength of the signal, record the peak signal level of the channel under test.

Equipment Used in Test:

Signal Level Meter - Wavetek Line SAM SUB/UHF, Signal Analysis Meter
Serial Number - 2103020
Calibrated - 2/1/93

VHF-UHf All Band Antenna -Gemini Gem360

Down Lead Cable - Belden M 9116 Duobond II - Braid, RG-6, 75 ohm, E86432 (UL), CATVX KM

Antenna Height - 10 ft., above headend building

I have also attached a list of all broadcast television stations currently carried by our cable television system and their respective channel positions on the system.

Please review this information and call me at your convenience.

Sincerely,

Royce Allen General Manager



Office of the Vice President for Finance and Administration

502-745-2434 502-745-6375 FAX: 502-745-4602

Mr. Royce Allen Ohio County Cablevision P.O. Box 22 Beaver Dam, KY 42320

RE: CARRIAGE OF WKYU-TV

Dear Mr. Allen:

cc:

We are in receipt of your July 16, 1993 letter regarding your signal survey for WKYU-TV(24). Your survey indicates a signal level 27 dB below the required -45 dBm even though Beaver Dam is within the WKYU-TV grade B contour. Based on viewer response, we are confident that the use of a high gain antenna and/or preamplifier and a receive height comparable to that used for other UHF stations will produce a signal level greater than -45 dbm. As you know, the Federal Communications Commission May 3 1993 Notice (paragraph 8), requires the use of reception equipment equivalent to similar UHF stations located at similar distances.

We appreciate your willingness to work with us, and hope we will be able to arrange a meeting within the next two weeks to jointly evaluate the WKYU-TV signal and reach an agreement for Western Kentucky University to provide additional equipment, if necessary, to achieve a -45 dbm signal level.

If we can not come to a satisfactory agreement, Western Kentucky University will have no choice but to exercise its rights through the Federal Communications Commission to compel carriage. Please contact me at your earliest convenience to arrange a meeting at your headend. Thank you for your cooperation.

Charles M. Anderson

Assistant Vice President for

Finance and Administration

Mr. Brian M. Madden, Leventhal, Senter and Lerman



Hwy 62 East PO Box 22 Beaver Dam, KY 42320 (502) 274-9249

Charles M. Anderson Assistant Vice President Western Kentucky University Bowling Green, KY 42101

RE: Carriage of WKYU-TV on Ohio County Cablevision

Dear Chuck:

Here is the schedule of the addition of WKYU to this system:

- 1. Placement of antenna at Rockport headend (Sept. 13-15)
- Modify necessary processors to receive broadcast channel 24. (Equipment sent to Comm/Sonics, should receive back by Sept. 24th)
- 3. Placement of antenna at Beaver Dam headend (Sept. 22-24)

On Oct. 6th we can add WKYU-24 to the Beaver Dam site (upon dropping WHAS-11 from the lineup) and as soon as we receive our necessary equipment we will immediately add WKYU-24 to the Rockport site.

We are working to get your signal on in Ohio County and I do appreciate your patience. If you have any questions please call.

Sincerely

Royce Allen General Manager

Madisonville and Ohio County Cablevision

RECEIVED SEP 21 1993

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

TURNER BROADCASTING SYSTEM, INC., et al.,

Plaintiffs.

v.

FEDERAL COMMUNICATIONS COMMISSION, et al.,

Defendants.

Civil Action No. 92-2247 (and Consolidated Cases Civil Action Nos. 92-2292, 92-2494, 92-2495, 92-2558) (SFW, TPI, SS)

DECLARATION OF JOHN L. BEABOUT

- 1. My name is John L. Beabout. I am General Manager of public television station WEIU-TV, located in Charleston, Illinois. I have held the position of General Manager since the station began operating on July 1, 1986. Prior to that time I held various professional and academic positions in educational institutions in distance learning, communications, and cable-related areas in education.
- 2. WEIU, Channel 51, is a noncommercial educational television station licensed to the Illinois Board of Governors of State Colleges and Universities, and is located at Eastern Illinois University in Charleston. WEIU's mission is to provide quality educational, informational and cultural programming, with an emphasis on locally-produced educational programs

that serve the needs of the citizens of Charleston and the surrounding eleven-county service area. WEIU's programming includes Ready-to-Learn PBS programming, designed to prepare preschool children for school. WEIU airs nine hours per day of children's programming. WEIU produces and broadcasts over 300 hours of local programs per year. Additionally, WEIU broadcasts 15-20 hours per week of PBS Adult Learning Service, which WEIU targets to junior high school and high school students to advance and supplement their regular course work. WEIU provides a wide range of additional community based programming to serve the local needs of persons in the Charleston area.

- 3. WEIU is a qualified noncommercial educational television station as defined in subsection (I)(1) of Section 5 of the 1992 Cable Act. WEIU is a local station as defined in subsection (I)(2) of Section 5 of the Act with regard to the following cable systems: TCI (Charleston and Mattoon); United Artists Cable (later United Cable of Southern Illinois, and, subsequent to that, TCI of Effingham Cable) (Effingham); Illini Cablevision (Arcola, Arthur, Atwood, Camargo, Hammond, Hindsboro, Humboldt, Hinesdale, Oakland, Pierson Station, Tuscola, and Villa Grove); Cardinal Telecable (Paris); Command Cable (Broadlands, Casey, Greenup, Marshall, Martinsville, Newman, Toledo, Neoga); Time Warner (Champaign and Urbana); Triax Cable (Hutonville, Palestine, Sullivan, Robinson, and Oblong); Moultrie Telecommunications (Lovington); Jones Intercable (Pesotum and Tolono); TCI (Stewardson and Strasburg); MW1 Cable (Lerna); and Douglas Communications (Brocton, Newport, Hume, Metcalf and Sidell).
- 4. WEIU's programming does not duplicate programming provided by other public television stations, such as WILL and WUSI, that are carried on cable systems that cover some parts of the same counties as WEIU.

In fact, over 80 percent of WEIU's programming is non-duplicative of these two stations' programming. As discussed above, much of the educational programming is locally produced and unique to WEIU. Additionally, PBS does not consider WEIU an overlap station. WEIU operates from 6:00 a.m. to midnight, Mondays through Saturdays, and 10:00 a.m. to midnight on Sundays.

- worked for over four years to get carried by a total of approximately 26 cable systems, prior to the must carry requirements. Many of the cable systems we contacted were uncooperative, and WEIU had to make great efforts to get the cable systems finally to agree to carriage. Even in WEIU's own home town of Charleston, the TCI cable system refused to carry WEIU for approximately one year. Illini Cablevision, serving the communities of Arcola, Arthur, Atwood, Camargo, Hammond, Hindsboro, Humboldt, Hinesdale, Oakland, Pierson Station, Tuscola and Villa Grove, refused carriage of WEIU for approximately two years. Cardinal Telecable, serving the community of Paris, refused carriage of WEIU for approximately two years. And, United Artists Cable (later United Cable Television of Southern Illinois), serving the community of Effingham, refused carriage of WEIU for approximately three years.
- 6. WEIU spent considerable personnel time and financial resources in its efforts to gain carriage from these and other cable systems after coming on the air in 1986. Personnel from the station wrote letters, placed phone calls, and made in-person visits to the cable companies with program schedules and other information on WEIU in attempts to gain carriage. In addition, members of the community exerted pressure on the cable systems to begin carriage of WEIU. Individuals, community groups, and schools also called and wrote the cable companies requesting carriage of WEIU. Only after

very substantial community and station efforts did the cable systems listed above finally carry WEIU. Sample documents reflecting these efforts are attached as Exhibit 1.

- 7. Even after these cable systems began carrying WEIU, the station experienced arbitrary treatment. The cable systems frequently shifted WEIU to other channels without any prior notice, or even any notice after the fact. We did not know about a shift until viewers called our station to tell us. We would then call the cable company to verify the shift, and then publish the new channel number in our next program guide. This process could take a few months, and, during that time, viewers would be searching for our station's channel. Even though viewers called the cable companies and protested the shifts, the cable companies would not restore WEIU to its original channel. It was difficult for us to fight the shifts and get our channel position back because our resources were so limited. Additionally, because it had been so difficult to get carried on the cable systems initially, we believed we did not have much leverage to fight channel shifts.
- 8. After must carry took effect in 1992, WEIU requested and obtained carriage on cable systems in approximately 20 additional communities. In some instances, it took more than a year to obtain carriage on a system. These systems vary in size from small systems with less than 1,000 subscribers to the large Time Warner Champaign/Urbana system. In total, being added on these systems gave WEIU access to nearly 50,000 additional cable subscribers. The cable systems that added WEIU include: Command Cable in the communities of Casey/Marshall, Greenup/Toledo, Martinsville, Newman/Broadlands, and Neoga, Time Warner in Champaign/Urbana, Triax Cable in Sullivan and Palestine/Robinson/Hutonville/Oblong, Moultrie Telecommunications in

Lovington, Jones Intercable in Pesotum/Tolono, and TCI in Stewardson/Strasburg.

9. The effects of being carried on these additional systems pursuant to must carry include increased viewership, membership, and underwriting revenues.

[REDACTED]

Moreover, for WEIU, which does no on-air solicitations but rather relies on direct mail and telemarketing solicitations, membership contributions have more than doubled since 1992. Membership contributions were \$5,271 in FY 1992, \$6,994 in FY 1993, \$9,123 in FY 1994 and in FY 1995 will exceed \$12,000. Moreover, underwriting revenues have tripled since 1992. Underwriting revenues were \$15,888 in FY 1992, \$30,218 in FY 1993, \$33,514 in FY 1994 and in FY 1995 will exceed \$50,000. I attribute these increases primarily to must carry, which has had very positive effects for WEIU.

- 10. Additionally, must carry has provided us with stability in channel position. We are no longer subject to the whims of the cable systems, which in the past had shifted us to other channels at any time and without notice.
- 11. Two cable systems have continued to deny WEIU carriage even after the must carry rules. These are MW1 Cable in Lerna and Douglas Communications in Brocton, Newport, Hume, Metcalf, and Sidell. WEIU

has been requesting carriage on the MW1 system since 1989, and on the Douglas system since 1993. Documents reflecting these requests are attached as Exhibit 2. WEIU has not been able to pursue filing complaints against these two cable companies due to limited resources, both in terms of financial ability and staff time.

number of cable systems would refuse to carry WEIU. This belief is based largely on the difficulties we had obtaining cable carriage both before and after must carry. This would result in serious adverse impact upon WEIU and the residents of the communities in question. Cable viewers would be denied access to WEIU programming, including Ready-to-Learn programming, Adult Learning Service Telecourses, and local community programming. WEIU would experience a loss of viewers and members. This, in turn, would result in a loss of revenues from the member and underwriting support that has been gained through carriage on cable systems to which WEIU was added after must carry.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on M_{4} $\frac{18^{4h}}{1995}$ 1995

Ionn L. Beabout

General Manager, WEIU

EUNITED CABLE TELEVISION (I).
OF SOUTHERN ILLINOIS, INC.

710 West Jefferson

P.O. Box 416 Effingham, Illinois 62401 (217) 346-6656

December 1,1988

WEIU Channel 51 Eastern Illinois University Charleston, Illinois 61920

Dear Sirs:

I understand that you stopped by our office on November 30th. I'm sorry that I missed you but, due to Corporate Auditors in our System this week and next, I am unavailable.

At present our tower problem has not been resolved. Because of the structure problem that we are having it is impossible to place any further equipment on the tower. It would create a much bigger hazard that we already have.

For the present, the channel line-up in Effingham will remain to the same. We will continue with WUSI, Olney as our PBS station. Should any of this change, you will be notified.

Sincerely,

Paul Haarmann General Manager

PH/jb

Radio and Television Center WEIU TV Channel 51 (217) 581-5956 WEIU FM 88.9 (217) 581-6116

December 15, 1988

Mr. Paul Haarmann General Manager United Cable Television of Southern Illinois, Inc. 710 West Jefferson P.O. Box 416 Effingham, Illinois 62401

Dear Mr Haarmann,

I was disappointed to learn of your decision not to carry WEIU TV on the Effingham cable system of United Cable Television of Southern Illinois, Inc. It was our understanding that you were constructing a new 500 foot tower that was to have been constructed by December 1, 1988 after which WEIU TV would be carried on Channel 20 of the Effingham system. Unfortunately, your decision means that the Effingham schools will continue to be denied access to the instructional programming provided by WEIU TV. That programming is provided free of charge and is not duplicated by WUSI TV in Olney. Effingham High School was to have been involved in the March, 1988 and February 3, 1989 interactive distant learning project demonstrations for rural and small schools. These projects will be highlighted at the February 28, 1989 Governor's Conference on rural and small school education to be held in Springfield, Illinois. Also, the Effingham subscribers will continue to be denied access to the local news and public affairs programming produced by WEIU TV, as well as the adult GED programs, adult literacy programs, Modern Maturity programs for senior citizens, economic development programs, and holiday programming and scholastic bowls featuring Effingham/St. Anthony High School produced by WEIU TV.

Any information you might be able to provide concerning when your new 500 foot tower will be completed would be greatly appreciated. WEIU TV has an obligation to the people of Effingham to respond to their questions of why WEIU TV is not being carried on the Effingham system. This group includes students, parents, teachers and administrators of the Effingham

school districts, local government, senior citizens, civic and nonprofit organizations, various business and industries, as well as the general viewing population. WEIU TV looks forward to working with your system in anyway possible. Please feel free to call me if you have any questions or require further information. Thank you.

Sincerely,

John L. Beabout, Director Radio and Television Center General Manager WEIU TV & FM

cc: Dr. Charles Colbert, Associate Vice President - Academic Affairs
Friends of WEIU Board
Mayor Jack Thies, Effingham
Ms. Norma Willenborg, Executive Director - Chamber of Commerce, Effingham

JLB/km

EUNITED CABLE TELEVISION @

OF SOUTHERN ILLINOIS, INC.

710 West Jefferson P.O. Box 416 Effingham, Illinois 62401 (217) 342-6656

August 2,1989

WEIU Eastern Illinois Univ. Charleston, Il. 61920

Attn: Becky Dale

With new FCC rules on syndication and network non-duplication that will be effective January 1,1990, we are presently being challenged by numerous networks for syndex rights and network non-duplication.

At present Educational Television broadcast stations do not have syndex rights. Until these new rules go into effect, I will not be adding any new channels but will be waiting to see the outcome of these rules.

Sincerely,

Paul Haarmann General Manager

PH/jb

. .

September 13, 1989

Mr. Paul Haarman 710 West Jefferson P.O. Box 416 Effingham, IL 62401

Dear Paul,

After our discussion concerning program exclusivity I consulted our FCC attorney in Washington to find out how our station will be affected.

It appears that our schedule will not be a problem because of the unique programming that we broadcast. We offer our viewers access to programs that are not available from other stations. In fact, our schedule would provide you with a complete day of quality programming, uninterrupted by black outs, to offer your subscribers.

I am enclosing our schedules for September and October for your review. I hope that you find that the addition of WEIU to your cable system will enhance your operation and provide you with programming that will not require interruption due to program exclusivity.

Please let me know if I can provide you with more information. WEIU would like to become part of your basic cable package!

Sincerely,

Becky Dole, Manager Underwriting/Memberships WEIU TV